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10 District Property Owners Association

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF

13 ADRIAN RISKIN,

14 Petitioner,

15 vs.

16 HOLLYWOOD MEDIA DISTRICT
17 PROPERTY OWNERS
18 ASSOCIATION,

19 Respondent.

CASE NO. BS 166075

(Hon. Mary H. Strobel, Dept. 82)

RESPONDENT'S REPORT AND EXEMPTION
LOG; DECLARATION OF JEFFREY BRIGGS

Date: January 30, 2018
Time: 9:30 am
Dept: 82

20 Respondent Hollywood Media District Property Owners Association
21 ("Respondent") respectfully submits this report and exemption log as ordered at the
22 November 28, 2017 trial on Petitioner Adrian Riskin's ("Petitioner") Petition for
23 Writ of Mandate ("Petition").

24 I

25 REPORT ON SEARCH COMPARISON

26 Respondent was ordered to "review all files from Respondent's latest search
27 and compare them to the files from the initial searches," and to "produce to
28 Petitioner any non-exempt documents it did not previously produce." (Petitioner's
Notice of Ruling; Notice of Status Conference dated December 4, 2017 ("Notice").)

Respondent's Report and Exemption
Log

1 As attested in the attached declaration of Respondent's counsel Jeffrey C.
2 Briggs, the ordered search has been performed, including with the help of
3 Petitioner, who provided previously produced records to assist in the comparison.
4 The result of the comparison is that there are *no additional records to produce*
5 because the detailed comparison reveals that all responsive non-exempt records
6 have already been produced as previously contended. In fact, the comparison
7 establishes that all of the several printed-out email records found in old hard-copy
8 files and provided in connection Respondent's most recent pre-trial search *also*
9 *previously had been produced to Petitioner in electronic form.*

11 II

12 EXEMPTION LOG

13 Two Public Records Act ("PRA") requests are at issue.¹

14 The first request was for all of Lisa Schechter's (Respondent's Executive
15 Director) emails between September 15 and December 8, 2015. As attested in the
16 attached Briggs Declaration, the only exemption applicable to records produced in
17 response to that request is the attorney-client privilege, and all in records held by
18 Respondent's counsel. They are identified in the log contained in the Briggs
19 Declaration attached. Petitioner never requested any specific information about
20 exemptions claimed with respect to this first PRA request.

21 The second PRA request at issue here was for all of Ms. Schechter's emails
22 with each of the city, a Respondent board member ("Goldman"), and the Executive
23 Director of another BID. As attested in the attached Briggs Declaration, the only
24 exemptions applicable to records produced in response to that request are the
25 attorney-client and attorney work-product privileges and the draft, deliberative
26 process, and personnel privacy exemptions. They are identified in the log

27
28 ¹ Petitioner has made many PRA requests of Respondent prior to and since the two requests at issue here.

1 contained in the Briggs Declaration. Petitioner never requested any specific
2 information about exemptions claimed with respect to this second PRA request
3 prior to this litigation.

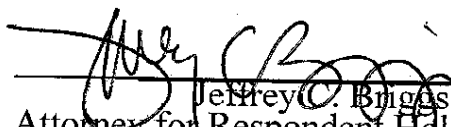
4 Prior to trial, at Petitioner's request Respondent performed another search for
5 records responsive to both PRA requests at issue here. Respondent advised that no
6 additional records were found that had not been produced or which were not
7 exempt, other than a few printed copies of city administrative emails, which were
8 provided—and as noted above, the comparison recently performed by Respondent
9 now reveals that in fact those records already had been provided to Petitioner in
10 electronic form in the course of Respondent's original records productions.
11 Petitioner asked for the nature of the exemptions applicable to those records, and
12 Respondent provided that information. These records and the applicable
13 exemptions are set forth in the log contained in the attached Briggs declaration.

14 Notably, none of these exemptions pertains to any city communications, and
15 in fact hundreds of city communications and requests for assistance were produced
16 originally, and throughout the period during which Respondent's Executive
17 Director was subject to certain ethical rules regarding contact with city officials
18 even beyond the time period Petitioner requested, further belying any intent or
19 motive to withhold records for fear of ethics issues.²

20
21
22 Dated: January 11, 2018

Respectfully submitted,

JEFFREY C. BRIGGS
BRIGGS LAW OFFICE

23
24 
25 Jeffrey C. Briggs
26 Attorney for Respondent Hollywood
Media District Property Owners
Association

27 ² Records for the period beyond the request were produced in light of the delay in Respondent's delivery and in
28 anticipation of a follow-up request encompassing the longer time period.

DECLARATION OF JEFFREY C. BRIGGS

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2
3 1. I am an attorney duly licensed to practice in California since 1981 and I
4 am counsel for Respondent in this matter. I have served as counsel for Respondent
5 in connection with responding to Public Record Act requests and other matters
6 since early 2015.
7

8 2. I assisted Respondent in handling responses to Petitioner's Public Record
9 Act requests since early 2015. I did so with respect to Petitioner's two requests at
10 issue in the Petition. This includes review of all potentially responsive records for
11 exemptions under the Act, including privilege and privacy protections.
12

13 3. The hearing on the subject Petition resulted, in pertinent part here, in an
14 Order that Respondent review all files from Respondent's latest search and compare
15 them to the files from the initial searches. Petitioner offered to supply Respondent
16 with all records previously received from Respondent in response to the subject two
17 PRA requests, and represented that it did so. I then went through each record
18 retrieved from Respondent's searches and looked for it in the records provided by
19 Petitioner. This is no mean feat, and took considerable time; the records include,
20 for example, hundreds of "MYLA311" form requests and responses for trash
21 removal and all manner of other city services, as well as hundreds of broadcast
22 email notices from city officials about all manner of events and information,
23 making this more detailed comparison extremely time-consuming and burdensome
24 in light of the previous similar effort already undergone.
25
26
27
28

1 4. The comparison I performed as described above found no non-exempt
2 records that had not already been produced to Petitioner in the original responses to
3 the subject PRAs. Indeed, in performing the comparison I found electronic copies
4 of records I provided Petitioner in hard copy just before trial (in the course of his
5 requested re-search) thinking in good faith that these hard-copy records were
6 additional to the many "MyLA311" and city notice records already provided. But
7 the new comparison proved me wrong: *all those "additional" records in fact had*
8 *been produced originally.*

12 5. The following records were withheld from the original production in
13 response to the first PRA request at issue here on the grounds of attorney-client
14 privilege/attorney work-product, inasmuch as all are communications to and from
15 me on legal matters:

17 1. 11/6/15 Briggs/Schechter email re PRA request handling ATTY-CLIENT
18 PRIVILEGE/ATTY WORK-PRODUCT

19 2. 11/6/15 Briggs/Schechter/vendor email re PRA request handling ATTY-
20 CLIENT PRIVILEGE/ATTY WORK-PRODUCT

21 3. 11/6/15 Briggs/Schechter email re PRA request handling ATTY-CLIENT
22 PRIVILEGE/ATTY WORK-PRODUCT

23 4. 11/9/15 Briggs/Schechter email re PRA request handling ATTY-CLIENT
24 PRIVILEGE/ATTY WORK-PRODUCT

25 5. 12/2/15 Briggs/Schechter/Board member email re PRA request handling ATTY-
26 CLIENT PRIVILEGE/ATTY WORK-PRODUCT

27 6. 12/2/15 Briggs/Schechter/Board member email re PRA request handling and re
28 Board policies ATTY-CLIENT PRIVILEGE/ATTY WORK-PRODUCT

1 6. The following records were withheld from the original production in
2
3 response to the second PRA request at issue here on the grounds indicated in the
4 list—this list includes any records found in hard copy during the additional pre-trial
5 search:

6 1. 12/23/2015 Briggs/Schechter³/Goldman/Board member email re PRA request
7 and handling ATTY-CLIENT PRIVILEGE/ATTY WORK-PRODUCT

8 2. 12/23/2015 Briggs/Schechter/Goldman/Board member email re PRA request and
9 handling ATTY-CLIENT PRIVILEGE/ATTY WORK-PRODUCT

10 3. 12/23/15 Schechter/Briggs/Goldman/Board member re response to PRA request
11 handling ATTY-CLIENT PRIVILEGE

12 4. 2/5/16 Goldman/Schechter email concerning draft Annual Mtg agenda, meeting
13 minutes, bylaws, etc. DELIBERATIVE PROCESS DISCUSSION OF WHAT TO
14 INCLUDE OR NOT INCLUDE

15 5. 2/8/16 Goldman/Schechter email attaching draft Exec C'ee mtg agenda DRAFT/
16 DELIBERATIVE PROCESS DISCUSSION OF WHAT TO INCLUDE AND NOT
17 INCLUDE

18 6. 2/11/16 Goldman/Schechter email re draft agenda and filling committee
19 vacancies DELIBERATIVE PROCESS AS TO COMMITTEE VACANCIES

20 7. 2/15/16 Goldman/Schechter email re Brown Act handling and language, and
21 "staff" designation DRAFT/DELIBERATIVE PROCESS AS TO BROWN ACT
22 COMPLIANCE ISSUE AND PERSONNEL CHARACTERIZATION

23 8. 2/15/16 Schechter/Goldman email string re meeting location options and choices
24 and draft meeting schedule and Brown Act language DRAFT/DELIBERATIVE
PROCESS AS TO MEMBER LOCATION CHOICE PROS AND CONS

25 9. 2/15/16 vendor-service provider/Schechter/Goldman email concerning personnel
26 issue and private health information PERSONNEL PRIVACY AS TO HEALTH

27 _____
28 ³ Most references to Schechter include Respondent's only other staff person. Any other third parties are noted.

1 ISSUE/ DELIBERATIVE PROCESS AS TO HEALTH INCIDENT HANDLING
2 AND VENDOR/SERVICE PROVIDER RELATIONSHIP HANDLING

3 10. 2/26/16 Goldman/Schechter email re planning as to various committee and
4 event matters DELIBERATIVE PROCESS DISCUSSION OF WHAT MATTERS
5 TO BE ADDRESSED/NOT ADDRESSED IN COMING YEAR

6 11. 2/26/16 Schechter/Goldman email string re website planning and draft meeting
7 announcement/agenda re same DRAFT/DELIBERATIVE PROCESS
8 DISCUSSION OF PROPOSED WEBSITE REVIEW AND ADOPTION
9 MEETING AND RE ALTERNATIVES, OTHER BID SITES COMPARISONS,
AND THE LIKE

10 12. 2/29/16 Goldman/Schechter email re check signing logistics with private
11 address information PERSONNEL PRIVACY AS TO PERSONAL NON-
BUSINESS ADDRESS OF VOLUNTEER

12 13. 2/29/16 Goldman/Schechter/2 Board member email re new project construction
13 plans DELIBERATIVE PROCESS AS TO WHAT KINDS OF
14 DEVELOPMENTS TO BE ADDRESSED OR NOT BY BID

15 14. 2/29/16 Goldman/Schechter/2 Board member email string re new project
16 construction plans DELIBERATIVE PROCESS AS TO WHAT KINDS OF
17 DEVELOPMENTS TO BE ADDRESSED OR NOT BY BID AND DISCUSSING
18 MERITS OF PRIOR PROJECT TENANT

19 15. 2/29/16 Goldman/Schechter email re meeting agenda issue and potential
20 conflict DELIBERATIVE PROCESS AS TO HANDLING POTENTIAL
CONFLICT OF INTEREST

21 16. 3/4/16 Goldman/Schechter email re draft agenda for mtg attaching same, and re
22 conversation with third party on BID issue DRAFT/DELIBERATIVE PROCESS
23 AS TO AGENDA ITEMS AND NOT, AND RE THIRD PARTY INPUT ON
24 ISSUE UNDER BID CONSIDERATION

25 17. 3/4/16 Schechter/Goldman email re draft meeting agenda and attaching same
26 DRAFT/DELIBERATIVE PROCESS AS TO WHAT TO INCLUDE OR NOT ON
AGENDA

1 18. 3/4/16 Schechter/Goldman email re draft meeting agenda and attaching same
2 DRAFT/DELIBERATIVE PROCESS AS TO WHAT TO INCLUDE OR NOT ON
3 AGENDA

4 19. 3/4/16 Schechter/Goldman email re draft meeting agenda and attaching same
5 DRAFT/DELIBERATIVE PROCESS AS TO WHAT TO INCLUDE OR NOT ON
6 AGENDA

7 20. 3/4/16 Schechter/Goldman email re revised draft meeting agenda and attaching
8 same DRAFT/DELIBERATIVE PROCESS AS TO WHAT TO INCLUDE OR
9 NOT ON AGENDA

10 21. 3/9/16 Schechter/Briggs/Goldman/Board member/vendor email re PRA
11 response handling ATTY-CLIENT PRIVILEGE

12 22. 3/9/16 Schechter/Briggs/Goldman Board member email re PRA response
13 handling ATTY-CLIENT PRIVILEGE

14 23. 3/14/16 Schechter/Goldman email re draft Request for Proposal re website
15 design project DRAFT/DELIBERATIVE PROCESS AS TO BID
16 REQUIREMENTS AND QUALIFICATIONS

17 24. 3/14/16 Goldman/Schechter/accountant email string re accounting issue
18 resolution and planning DELIBERATIVE PROCESS AS TO OPEN
19 ACCOUNTING ISSUES AND HANDLING

20 25. 3/15/16 Goldman/Schechter/2 Board member email concerning development
21 project issue DELIBERATIVE PROCESS AS TO PROJECT AND CITY
22 PERSONALITIES AND PROSPECTS

23 26. 3/15/16 Goldman/Schechter/2 Board member email re city initiative issue
24 DELIBERATIVE PROCESS AS TO IMPACT ON BID AND BID PLANNING
25 RE SAME

26 7. The records previously produced in response to the subject requests
27 include almost the entire time period during which Respondent's Executive
28 Director was subject to certain ethical rules regarding her contacts with the city

1 (records beyond the second request period were provided in good faith due to the
2 delay in responding) and include myriad requests for city assistance of some kind,
3 from traffic mitigation to parking to grant funds to assessment collection to
4 nuisance abatement and to street signs and improvements.
5

6 I declare under penalty of perjury that the foregoing is true and correct of my
7 personal knowledge, that I am competent to so testify, and that this Declaration is
8 executed this 10th day of January, 2018, at Hollywood, California.
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13 Jeffrey C. Briggs
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